

# **Exhibit G**

---

**From:** Lazarus, Eli M. <ELazarus@gibsondunn.com>

**Sent:** Saturday, February 6, 2021 3:04 PM

**To:** John Karin <jkarin@cravath.com>

**Cc:** \*\*\* GDC EpicLitTeam <AppleAppStoreDiscovery@gibsondunn.com>; benh@hbsslaw.com; bens@hbsslaw.com; byrd@whafh.com; dejong@whafh.com; Epic Mobile Apps <epic-mobileapps@cravath.com>; robl@hbsslaw.com; ronnie@hbsslaw.com; tedw@hbsslaw.com

**Subject:** RE: Apple App Cases -- Identification of Data

External (elazarus@gibsondunn.com)

[Report This Email](#) [FAQ](#)

John, please see below a list of non-custodial documents that Apple has produced in response to the Requests for Production listed below.

- IAP (Request No. 5)
  - Apple has no responsive documents because it does not track costs or revenue as associated with the IAP software (as defined in your request); however, for financial data that reflects costs that Apple incurs in creating and maintaining developer tools and revenues collected in connection with in-app purchases, see the documents listed under Request Nos. 7-8 below.
- macOS App Store and iOS App Store (Request Nos. 7-8)
  - APL-APPSTORE\_08856865
  - APL-APPSTORE\_08856866
  - APL-APPSTORE\_08856867
  - APL-APPSTORE\_08856864
  - APL-APPSTORE\_09806205
  - APL-APPSTORE\_09814098
  - APL-APPSTORE\_09814097
  - APL-APPSTORE\_09814099
  - APL-APPSTORE\_10332891
  - APL-APPSTORE\_10334265
  - APL-APPSTORE\_10340797
- Developer tools (Request Nos. 9, 53)
  - Apple has no responsive documents because it does not track costs or revenue as associated with developer tools; however, for financial data that reflects costs that Apple incurs in creating and maintaining developer tools and revenues collected in connection with App Store transactions, see the documents listed under Request Nos. 7-8 above.
- Customer lifetime value and lifespan (Request Nos. 12-14)
  - APL-APPSTORE\_10337762
  - APL-APPSTORE\_10338845
  - APL-APPSTORE\_10339734
  - APL-APPSTORE\_10340651
  - APL-APPSTORE\_10340659
  - APL-APPSTORE\_10336676
  - APL-APPSTORE\_10337072
  - APL-APPSTORE\_10337396
  - APL-APPSTORE\_10340283
  - APL-APPSTORE\_10340366

- Third-party settlement providers (Request Nos. 18-19)
  - APL-EG\_06597412
  - APL-EG\_06597449
  - APL-EG\_06597453
  - APL-EG\_06597454
  - APL-EG\_06597460
  - APL-EG\_06597467
  - APL-EG\_06597469
  - APL-EG\_06597471
  - APL-EG\_06597505
  - APL-EG\_06597551
  - APL-EG\_06597607
  - APL-EG\_06597608
  - APL-EG\_06597611
  - APL-EG\_06597644
  - APL-EG\_06597704
- Active Apple devices and Apple's "installed base" (Request Nos. 25, 31)
  - APL-APPSTORE\_10340283
  - APL-APPSTORE\_10340366
  - APL-APPSTORE\_10337762
  - APL-APPSTORE\_10338365
  - APL-APPSTORE\_10338528
  - APL-APPSTORE\_10338631
  - APL-APPSTORE\_10338279
  - APL-APPSTORE\_10337719
  - APL-APPSTORE\_10340438
  - APL-APPSTORE\_10340578
  - APL-APPSTORE\_10337976
  - APL-APPSTORE\_10338698
  - APL-APPSTORE\_10338845
  - APL-APPSTORE\_10339469
  - APL-APPSTORE\_10339734
  - APL-APPSTORE\_10340651
  - APL-APPSTORE\_10336676
  - APL-APPSTORE\_10337072
  - APL-APPSTORE\_10337320
  - APL-APPSTORE\_10337396
- Apple customers who own or use multiple Apple products (Request Nos. 26-28)
  - APL-EG\_06596359
  - APL-EG\_06596363
  - APL-EG\_06596446
  - APL-EG\_06596452
  - APL-APPSTORE\_10337719
  - APL-APPSTORE\_10340438
  - APL-APPSTORE\_10340578
  - APL-APPSTORE\_10337762
  - APL-APPSTORE\_10337850
  - APL-APPSTORE\_10337976
  - APL-APPSTORE\_10338255
  - APL-APPSTORE\_10338279
  - APL-APPSTORE\_10338528
  - APL-APPSTORE\_10338698

- APL-APPSTORE\_10338845
- APL-APPSTORE\_10339308
- APL-APPSTORE\_10339469
- APL-APPSTORE\_10339674
- APL-APPSTORE\_10339734
- APL-APPSTORE\_10336676
- APL-APPSTORE\_10337072
- APL-APPSTORE\_10337396
- Impact of App Store Small Business Program on Apple financials (Request No. 79)
  - Apple continues to investigate what non-privileged non-custodial documents are available to be produced in response to this Request.

Eli Lazarus

## GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8340 • Fax +1 415.374.8496  
ELazarus@gibsondunn.com • www.gibsondunn.com

---

**From:** John Karin <[jkarin@cravath.com](mailto:jkarin@cravath.com)>

**Sent:** Friday, February 5, 2021 6:47 PM

**To:** Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>

**Cc:** Yang, Betty X. <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>; \*\*\* GDC EpicLitTeam <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>; [benh@hbsslaw.com](mailto:benh@hbsslaw.com); [bens@hbsslaw.com](mailto:bens@hbsslaw.com); [byrd@whafh.com](mailto:byrd@whafh.com); [dejong@whafh.com](mailto:dejong@whafh.com); Epic Mobile Apps <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>; [robl@hbsslaw.com](mailto:robl@hbsslaw.com); [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); [tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)

**Subject:** RE: Apple App Cases -- Identification of Data

[External Email]

That works, Eli. Thank you.

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

---

**From:** Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>

**Sent:** Friday, February 5, 2021 9:13 PM

**To:** John Karin <[jkarin@cravath.com](mailto:jkarin@cravath.com)>

**Cc:** Yang, Betty X. <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>; \*\*\* GDC EpicLitTeam <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>; [benh@hbsslaw.com](mailto:benh@hbsslaw.com); [bens@hbsslaw.com](mailto:bens@hbsslaw.com); [byrd@whafh.com](mailto:byrd@whafh.com); [dejong@whafh.com](mailto:dejong@whafh.com); Epic Mobile Apps <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>; [robl@hbsslaw.com](mailto:robl@hbsslaw.com); [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); [tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)

**Subject:** RE: Apple App Cases -- Identification of Data

Thanks, John. We'd propose to do the exchange at noon PT. Does that work on your end?

Regards,

Eli

Eli Lazarus

## GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8340 • Fax +1 415.374.8496  
ELazarus@gibsondunn.com • www.gibsondunn.com

---

**From:** John Karin <[jkarin@cravath.com](mailto:jkarin@cravath.com)>

**Sent:** Friday, February 5, 2021 12:24 PM

**To:** Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>

**Cc:** Yang, Betty X. <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>; \*\*\* GDC EpicLitTeam <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>; [benh@hbsslaw.com](mailto:benh@hbsslaw.com); [bens@hbsslaw.com](mailto:bens@hbsslaw.com); [byrd@whafh.com](mailto:byrd@whafh.com); [dejong@whafh.com](mailto:dejong@whafh.com); Epic Mobile Apps <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>; [robl@hbsslaw.com](mailto:robl@hbsslaw.com); [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); [tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)

**Subject:** Re: Apple App Cases -- Identification of Data

[External Email]

Sure. Would 9 a.m. PT on Saturday work? Thank you, Eli.

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

On Feb 5, 2021, at 2:55 PM, Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)> wrote:

Thanks, John. We propose exchanging lists on Saturday.

Eli Lazarus

## GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8340 • Fax +1 415.374.8496  
ELazarus@gibsondunn.com • www.gibsondunn.com

---

**From:** John Karin <[jkarin@cravath.com](mailto:jkarin@cravath.com)>

**Sent:** Wednesday, February 3, 2021 4:17 PM

**To:** Lazarus, Eli M. <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>; Yang, Betty X. <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>

**Cc:** \*\*\* GDC EpicLitTeam <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>; [benh@hbsslaw.com](mailto:benh@hbsslaw.com); [bens@hbsslaw.com](mailto:bens@hbsslaw.com); [Byrd@whafh.com](mailto:Byrd@whafh.com); [dejong@whafh.com](mailto:dejong@whafh.com); Epic Mobile Apps <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>; [robl@hbsslaw.com](mailto:robl@hbsslaw.com); [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); [tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)

**Subject:** RE: Apple App Cases -- Identification of Data

[External Email]

Eli,

Could you please advise as to when Apple will be prepared to exchange lists of Bates numbers, as described in my email below?

Thank you.

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

---

**From:** John Karin  
**Sent:** Sunday, January 31, 2021 10:46 PM  
**To:** 'ELazarus@gibsondunn.com' <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>; 'BYang@gibsondunn.com' <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>  
**Cc:** 'AppleAppStoreDiscovery@gibsondunn.com' <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>; 'benh@hbsslaw.com' <[benh@hbsslaw.com](mailto:benh@hbsslaw.com)>; 'bens@hbsslaw.com' <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>; 'Byrd@whafh.com' <[Byrd@whafh.com](mailto:Byrd@whafh.com)>; 'dejong@whafh.com' <[dejong@whafh.com](mailto:dejong@whafh.com)>; 'epic-mobileapps@cravath.com' <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>; 'robl@hbsslaw.com' <[robl@hbsslaw.com](mailto:robl@hbsslaw.com)>; 'ronnie@hbsslaw.com' <[ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com)>; 'tedw@hbsslaw.com' <[tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)>  
**Subject:** RE: Apple App Cases -- Identification of Data

Eli,

Epic is prepared to provide a list of the non-custodial documents and data produced to date in response to the RFPs identified in your email below (except Apple's RFP No. 52 for which Epic has not located any responsive documents), in exchange for a list of the non-custodial documents and data produced to date in response to the RFPs identified in my email below (except for Epic's RFP No. 5). Is Apple prepared to exchange lists at 9 p.m. PT today?

Epic reserves all rights with respect to RFP No. 5.

Thank you.

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

---

**From:** [ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com) <[ELazarus@gibsondunn.com](mailto:ELazarus@gibsondunn.com)>  
**Sent:** Thursday, January 21, 2021 3:36 AM  
**To:** [jkarin@cravath.com](mailto:jkarin@cravath.com); [BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)  
**Cc:** [AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com); [benh@hbsslaw.com](mailto:benh@hbsslaw.com); [bens@hbsslaw.com](mailto:bens@hbsslaw.com); [Byrd@whafh.com](mailto:Byrd@whafh.com); [dejong@whafh.com](mailto:dejong@whafh.com); [epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com); [robl@hbsslaw.com](mailto:robl@hbsslaw.com); [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); [tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)  
**Subject:** RE: Apple App Cases -- Identification of Data

John: yes, we'll identify the non-custodial material we agreed to produce in response to the RFPs in your list below. That list largely reflects RFPs as to which Apple agreed to search for and produce materials from non-custodial sources, but Apple has nothing responsive to RFP 5.

But Apple will do this only if Epic agrees to do the same with respect to the following RFPs, in response to which Epic agreed to search and produce from non-custodial sources:

- App names, prices, availability, and downloads (RFP 3)
- In-app product names, prices, availability, and downloads (RFP 4)
- Agreements with other platforms (RFP 14, RFP 22, RFP 118)
- Commissions paid to digital content stores (RFP 17)
- Revenues from digital content stores (RFP 46)
- Fortnite downloads on Android (RFP 44)
- Transactions through Samsung IAP vs Epic Direct (RFP 45)
- *Fortnite* user-level data (RFP 64)
- Cumulative user data by platform (RFP 65)
- *Fortnite* transactional data (RFP 74)
- Review guidelines for Epic Games Store (RFP 53)
- Harmful apps downloaded from the Epic Games Store (RFP 52)
- Games on EGS and their pricing (RFP 56)
- EGS commissions and revenues (RFP 60)
- Relationship between Epic and affiliates (RFP 76)

Please confirm Epic's agreement with the above.

Thanks,  
Eli

Eli Lazarus

GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8340 • Fax +1 415.374.8496  
ELazarus@gibsondunn.com • www.gibsondunn.com

---

**From:** John Karin <[jkarin@cravath.com](mailto:jkarin@cravath.com)>

**Sent:** Friday, January 15, 2021 8:53 AM

**To:** Yang, Betty X. <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>

**Cc:** \*\*\* GDC EpicLitTeam <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>; Ben Harrington <[benh@hbsslaw.com](mailto:benh@hbsslaw.com)>; [bens@hbsslaw.com](mailto:bens@hbsslaw.com); Byrd, Rachele <[Byrd@whafh.com](mailto:Byrd@whafh.com)>; DeJong, Brittany <[dejong@whafh.com](mailto:dejong@whafh.com)>; Epic Mobile Apps <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>; [robl@hbsslaw.com](mailto:robl@hbsslaw.com); [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); Ted Wojcik (<[tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)>)

**Subject:** RE: Apple App Cases -- Identification of Data

[External Email]  
Apple Counsel,

Could you please let us know about these issues today? We can add these issues to the agenda for today's meet and confer, but we need resolution promptly to determine whether it is necessary to brief these issues for the hearing next

week.

Thank you.

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

From: John Karin/NYC/Cravath  
To: "Yang, Betty X." <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>  
Cc: "\*\*\*\* GDC EpicLitTeam" <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>, "Ben Harrington" <[benh@hbsslaw.com](mailto:benh@hbsslaw.com)>, "[bens@hbsslaw.com](mailto:bens@hbsslaw.com)" <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>, "Byrd, Rachele" <[Byrd@whafh.com](mailto:Byrd@whafh.com)>, "DeJong, Brittany" <[dejong@whafh.com](mailto:dejong@whafh.com)>, "Epic Mobile Apps" <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>, "[robl@hbsslaw.com](mailto:robl@hbsslaw.com)" <[robl@hbsslaw.com](mailto:robl@hbsslaw.com)>, "[ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com)" <[ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com)>, "Ted Wojcik ([tedw@hbsslaw.com](mailto:tedw@hbsslaw.com))" <[tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)>  
Date: 01/14/2021 12:23 AM  
Subject: RE: Apple App Cases -- Identification of Data

---

Betty,

Epic has a different recollection of what transpired at the meet and confer on January 7, 2021.

With respect to Epic's interrogatories, Apple promised to send a letter by January 11, 2021. We have not received this letter. Does Apple still intend to send it? Apple also committed to amend its responses to Epic's Interrogatory Nos. 3, 8, 10 and 12 (and potentially 6). Does Apple have any clarity on its timeline?

The parties also discussed other topics at the end of the meet and confer. With respect to the identification of non-custodial data, Apple did acknowledge that it would be more expedient for the parties to identify data by Bates number. Is it now Apple's position that it will refuse to identify by Bates number the data requested in my email below? With respect to Epic's RFPs concerning the App Store Small Business Program and the game streaming guidelines, Apple stated that it would confirm in writing by January 8, 2021 that it would produce responsive documents and provide the names of the relevant custodians. Does Apple still intend to follow through?

Thank you.

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

From: "Yang, Betty X." <[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com)>  
To: "John Karin" <[jkarin@cravath.com](mailto:jkarin@cravath.com)>, "\*\*\*\* GDC EpicLitTeam" <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>  
Cc: "Ben Harrington" <[benh@hbsslaw.com](mailto:benh@hbsslaw.com)>, "[bens@hbsslaw.com](mailto:bens@hbsslaw.com)" <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>, "Byrd, Rachele" <[Byrd@whafh.com](mailto:Byrd@whafh.com)>, "DeJong, Brittany" <[dejong@whafh.com](mailto:dejong@whafh.com)>, "Epic Mobile Apps" <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>, "[robl@hbsslaw.com](mailto:robl@hbsslaw.com)" <[robl@hbsslaw.com](mailto:robl@hbsslaw.com)>, "[ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com)" <[ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com)>, "Ted Wojcik ([tedw@hbsslaw.com](mailto:tedw@hbsslaw.com))" <[tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)>

Date: 01/12/2021 10:40 AM  
Subject: RE: Apple App Cases -- Identification of Data

---

John,

We did not reach any agreements about—or even discuss—Apple's responses to Epic's RFPs on the January 7, 2021 meet and confer. As you are aware, that meet and confer was scheduled to discuss Apple's responses to Epic's interrogatories. On that call, Yonatan asked whether Apple would agree to provide Bates numbers for any interrogatory responses in which Apple relied on Rule 33(d). Although Apple's responses to Epic's interrogatories do not in fact rely on Rule 33(d), we agreed to supplement Apple's interrogatory responses with Bates numbers in the instances in which the responses referred to Apple's document production. We will provide those supplemental interrogatory responses in the near future.

Regards,  
**Betty X. Yang**  
Of Counsel

## GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
2001 Ross Avenue Suite 2100, Dallas, TX 75201  
Tel +1 214.698.3226 • Fax +1 214.571.2968  
[BYang@gibsondunn.com](mailto:BYang@gibsondunn.com) • [www.gibsondunn.com](http://www.gibsondunn.com)

**From:** John Karin <[jkarin@cravath.com](mailto:jkarin@cravath.com)>  
**Sent:** Sunday, January 10, 2021 4:20 PM  
**To:** \*\*\* GDC EpicLitTeam <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>  
**Cc:** Ben Harrington <[benh@hbsslaw.com](mailto:benh@hbsslaw.com)>; [bens@hbsslaw.com](mailto:bens@hbsslaw.com); Byrd, Rachele <[Byrd@whafh.com](mailto:Byrd@whafh.com)>; DeJong, Brittany <[dejong@whafh.com](mailto:dejong@whafh.com)>; Epic Mobile Apps <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)>; [robl@hbsslaw.com](mailto:robl@hbsslaw.com); [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com); Ted Wojcik ([tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)) <[tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)>  
**Subject:** Re: Apple App Cases -- Identification of Data

[External Email]  
Apple Counsel,

Consistent with the parties' agreement during the meet and confer on January 7, 2021, could you please identify by Bates number the data that Apple has produced from non-custodial sources in response to the RFPs in my below email?

Thank you.

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

From: John Karin/NYC/Cravath  
To: "\*\*\*\* GDC EpicLitTeam" <[AppleAppStoreDiscovery@gibsondunn.com](mailto:AppleAppStoreDiscovery@gibsondunn.com)>  
Cc: Epic Mobile Apps@Cravath, "Byrd, Rachele" <[Byrd@whafh.com](mailto:Byrd@whafh.com)>, "DeJong, Brittany" <[dejong@whafh.com](mailto:dejong@whafh.com)>, "Rob Lopez" <[robl@hbsslaw.com](mailto:robl@hbsslaw.com)>, "Ben Siegel" ([bens@hbsslaw.com](mailto:bens@hbsslaw.com))" <[bens@hbsslaw.com](mailto:bens@hbsslaw.com)>, "Ben Harrington" <[benh@hbsslaw.com](mailto:benh@hbsslaw.com)>, [ronnie@hbsslaw.com](mailto:ronnie@hbsslaw.com), "Ted Wojcik" ([tedw@hbsslaw.com](mailto:tedw@hbsslaw.com))" <[tedw@hbsslaw.com](mailto:tedw@hbsslaw.com)>

Date: 01/04/2021 05:22 PM  
Subject: Apple App Cases -- Identification of Data

---

Apple Counsel,

Epic proposes that the parties identify by Bates number the data produced from non-custodial sources in response to other parties' RFPs. Epic would like Apple to identify by Bates number the data that Apple has produced from non-custodial sources in response to the following RFPs:

- IAP (Request No. 5)
- macOS App Store and iOS App Store (Request Nos. 7-8)
- Developer tools (Request Nos. 9, 53)
- Usage metrics for apps (Request No. 11)
- Customer lifetime value and lifespan (Request Nos. 12-14)
- Third-party settlement providers (Request Nos. 18-19)
- Active Apple devices and Apple's "installed base" (Request Nos. 25, 31)
- Apple customers who own or use multiple Apple products (Request Nos. 26-28)
- Impact of App Store Small Business Program on Apple financials (Request No. 79)

To the extent that Apple has not yet produced data responsive to these RFPs, Epic asks that Apple identify such data as they are produced.

Epic is willing to reciprocate upon request by Apple. Epic believes all parties and their respective experts would benefit from prompt identification of data.

Best,

John I. Karin  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019-7475  
(212) 474-1122 (direct)  
(212) 474-3700 (fax)

---

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

---

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

---